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Paper No. 24

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Eliezer Pasternak
Application No: 09/528,111
Filed: March 17, 2000
For: SIGNAL COMMUNICATIONS
SYSTEM AND METHOD FOR NOISY
LINKS

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is in response to the petition filed May 24, 2004 requesting reconsideration of the decision denying the Petition to Withdraw Holding of Abandonment mailed March 24, 2004.

This application is in an abandoned status for failure to file corrected formal drawings as required by the supplemental Notice of Allowability mailed July 18, 2003. A Notice of Abandonment was mailed January 9, 2004.

Petitioner asserts that corrected formal drawings were timely filed on June 9, 2003. In support of the petition, petitioner has submitted a copy of a postcard which is date stamped June 23, 2003 by the Patent and Trademark Office acknowledging receipt of 13 sheets of formal drawings on that date. In addition, Petitioner provides copies of the formal drawings originally submitted.

M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon on the date stamped thereon by the PTO." It is further noted the original corrected formal drawings filed June 23, 2003 are of record in the application file.

It is noted that the drawings filed June 23, 2003 were deemed not acceptable as the margins were incorrect as indicated in the Notice of Draftsperson's Review attached to the supplemental Notice of Allowability mailed July 18, 2003. It was failure to reply to this notice by providing new corrected formal drawings which caused the application to become abandoned. However, upon further review, it is determined that the margins are of an acceptable size to facilitate proper printing.

Accordingly, the petition is **GRANTED**.

The application file will be forwarded to the publication division for further processing. Any inconvenience caused to the petitioner by the delay in rendering this decision is regretted.

Mark Powell, Director
Technology Center 2600
Communications